

JOURNAL OF THE HOUSE

EIGHTY-SEVENTH SESSION

THIRTY-SECOND DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Friday, March 2, 2012

The House convened at 10:30 a.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor John Fette, followed by the Pledge of Allegiance led by House pages Megan Foster and Casey Jo Shippy.

Roll Call: All members present except Rep. Schrempp who was excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the thirty-first day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Val Rausch, Chair

Which motion prevailed.

COMMUNICATIONS AND PETITIONS

March 1, 2012

Mr. Speaker and Members of the House of Representatives:

I have the honor to inform you that on March 1, 2012, I approved House Bills 1039, 1064, 1071, 1079, 1088, 1095, 1097, 1114, 1121, 1125, 1128, 1153, 1160, 1192, 1194, 1195, 1202, 1212, 1229, and 1245, and the same have been deposited in the office of the Secretary of State.

Respectfully submitted,
Dennis Daugaard
Governor

REPORTS OF CONFERENCE COMMITTEES

Cc77B

MR. SPEAKER:

The Conference Committee respectfully reports that it has considered SB 77 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and could not reach agreement.

Respectfully submitted,
Brian Gosch
House Committee Chair

Respectfully submitted,
Russell Olson
Senate Committee Chair

Cc130A

Also MR. SPEAKER:

The Conference Committee respectfully reports that it has considered SB 130 and the amendments thereto made by the House, and the disagreement of the two houses thereon, and recommends that SB 130 be amended as follows:

130ck

On page 2, line 5, of the House Education Committee engrossed bill, delete "may" and insert "shall".

1 130cl

2 On page 1, line 7, of the House Education Committee engrossed bill, after "policy" insert
3 ", except that no school district policy prohibiting bullying, whether it is existing or adopted
4 pursuant to this Act, may contain any protected classes of students".

5 On page 2, line 14, after "report;" insert "and".

6 On page 2, line 18, delete "; and" and insert ".".

7 On page 2, delete lines 19 and 20.

8 130ra

9 On page 3, line 1, of the House Education Committee engrossed bill, after "." insert
10 "Moreover, the provisions of this Act do not create a cause of action against any school district,
11 school district employee, school volunteer, student, or parent unless there has been substantial
12 noncompliance with the school district's policy resulting in injury to a protected person."

13 Respectfully submitted,
14 Jacqueline Sly
15 House Committee Chair

Respectfully submitted,
Dan Lederman
Senate Committee Chair

16 Cc139A

17 Also MR. SPEAKER:

18 The Conference Committee respectfully reports that it has considered SB 139 and the
19 amendments thereto made by the House, and the disagreement of the two houses thereon, and
20 recommends that SB 139 be amended as follows:

21 139ce

22 On page 2 of the House Appropriations Committee engrossed bill, delete lines 19 to 24,
23 inclusive, and insert:

24 "
25 Section 3. This Act is effective on June 20, 2012."

26 Delete page 3.

1 139ctc

2 On page 1, line 2, of the House Appropriations Committee engrossed bill, delete "and to
3 make an appropriation therefor".

4 Respectfully submitted,
5 Jacqueline Sly
6 House Committee Chair

Respectfully submitted,
Phyllis Heineman
Senate Committee Chair

7 **MESSAGES FROM THE SENATE**

8 MR. SPEAKER:

9 I have the honor to inform your honorable body that the Senate has passed HB 1116, the
10 Governor's veto notwithstanding.

11 Also MR. SPEAKER:

12 I have the honor to inform your honorable body that the Senate has adopted the report of
13 the Conference Committee on SB 130.

14 Respectfully,
15 Fee Jacobsen, Secretary

16 **MOTIONS AND RESOLUTIONS**

17 HOUSE PAGE RESOLUTION 4 Introduced by: Representatives Abdallah; Blake;
18 Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden; Elliott;
19 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen, Jon; Hawley; Hickey;
20 Hoffman; Hubbel; Hunhoff, Bernie; Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
21 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson,
22 Stace; Novstrup, David; Olson, Betty; Perry; Rausch; Romkema; Rozum; Russell; Schaefer;
23 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
24 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer

25 A RESOLUTION, Expressing the appreciation and gratitude of the House of Representatives
26 of the Eighty-seventh Legislature of the State of South Dakota to Kaitlin Buchholz, Emily
27 Carr, Brittany Cleveland, Vanessa Cortes, Drew Dennert, Adam Eichten, Megan Foster,
28 Makenzie Hageman, Allison Hosman, Ronni Kenyon, Ruth Latterell, Jordan Rohrbach,
29 Nicole Romeyn, Casey Shippy, James Updike, Hannah Zylstra

30 WHEREAS, the above named served loyally as pages for the House of Representatives of
31 the Eighty-seventh Legislative Session; and

1 WHEREAS, the members of the Eighty-seventh House of Representatives express their
2 most sincere appreciation to these young people for their service to the state; and

3 WHEREAS, the members extend to these young people their wishes for every success in
4 life:

5 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
6 seventh Legislature of the State of South Dakota, that a personal copy of this resolution be duly
7 certified and furnished to each page on this last day of service.

8 Rep. Wick moved that House Page Resolution 4 be adopted.

9 Which motion prevailed and the resolution was adopted.

10 CONSIDERATION OF REPORTS OF CONFERENCE COMMITTEES

11 Rep. Wick moved that the report of the Conference Committee on SB 91 as found on
12 page 713 of the House Journal be adopted.

13 The question being on Rep. Wick's motion that the report of the Conference Committee
14 on SB 91 be adopted.

15 And the roll being called:

16 Yeas 68, Nays 1, Excused 1, Absent 0

17 Yeas:

18 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
19 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon);
20 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
21 Killer; Kirkeby; Kirschman; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman;
22 Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
23 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;
24 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

25 Nays:

26 Kloucek

27 Excused:

28 Schrempp

29 So the motion having received an affirmative vote of a majority of the members-elect, the
30 Speaker declared the motion carried and the report was adopted.

1 Rep. Gosch moved that the House do not adopt the report of the Conference Committee
2 on SB 77 as found on page 720 of the House Journal and do not appoint a new committee.

3 Rep. Fargen moved as a substitute motion that the House do not adopt the report of the
4 Conference Committee on SB 77 and that a new committee be appointed.

5 A roll call vote was requested and supported.

6 The question being on Rep. Fargen's substitute motion that the report of the Conference
7 Committee on SB 77 not be adopted and that a new committee be appointed.

8 And the roll being called:

9 Yeas 20, Nays 49, Excused 1, Absent 0

10 Yeas:

11 Blake; Dennert; Elliott; Fargen; Feickert; Feinstein; Gibson; Hawley; Hunhoff (Bernie); Iron
12 Cloud III; Jones; Killer; Kirschman; Kloucek; Lucas; Nelson (Stace); Sigdestad; Street; Tornow;
13 Wismer

14 Nays:

15 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Gosch;
16 Greenfield; Haggard; Hansen (Jon); Hickey; Hoffman; Hubbel; Hunt; Jensen; Kirkeby; Kopp;
17 Liss; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup (David); Olson (Betty); Perry;
18 Romkema; Rozum; Russell; Schaefer; Scott; Sly; Solum; Steele; Stricherz; Tulson; Turbiville;
19 Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Speaker Rausch

20 Excused:

21 Schrempp

22 So the motion not having received an affirmative vote of a majority of the members
23 present, the Speaker declared the motion lost.

24 The question being on Rep. Gosch's motion to not adopt the report of the Conference
25 Committee on SB 77 and to not appoint a new committee.

26 And the roll being called:

27 Yeas 50, Nays 19, Excused 1, Absent 0

1 Yeas:

2 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dryden; Feickert;
3 Gosch; Greenfield; Haggard; Hansen (Jon); Hickey; Hoffman; Hubbel; Hunt; Jensen; Kirkeby;
4 Kopp; Liss; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup (David); Olson (Betty);
5 Perry; Romkema; Rozum; Russell; Schaefer; Scott; Sly; Solum; Steele; Stricherz; Tulson;
6 Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Speaker
7 Rausch

8 Nays:

9 Blake; Dennert; Elliott; Fargen; Feinstein; Gibson; Hawley; Hunhoff (Bernie); Iron Cloud III;
10 Jones; Killer; Kirschman; Kloucek; Lucas; Nelson (Stace); Sigdestad; Street; Tornow; Wismer

11 Excused:

12 Schrempp

13 So the motion having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the motion carried, the report was not adopted, and no new committee was
15 appointed.

16 Rep. Sly moved that the report of the Conference Committee on SB 130 as found on
17 page 720 of the House Journal be adopted.

18 The question being on Rep. Sly's motion that the report of the Conference Committee on
19 SB 130 be adopted.

20 And the roll being called:

21 Yeas 67, Nays 2, Excused 1, Absent 0

22 Yeas:

23 Abdallah; Blake; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert;
24 Dryden; Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggard; Hansen (Jon);
25 Hawley; Hickey; Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones;
26 Killer; Kirkeby; Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser;
27 Munsterman; Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
28 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tulson; Turbiville; Van Gerpen;
29 Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Wismer; Speaker Rausch

30 Nays:

31 Nelson (Stace); Tornow

32 Excused:

33 Schrempp

34 So the motion having received an affirmative vote of a majority of the members-elect, the
35 Speaker declared the motion carried and the report was adopted.

1 Rep. Sly moved that the report of the Conference Committee on SB 139 as found on
2 page 721 of the House Journal be adopted.

3 The question being on Rep. Sly's motion that the report of the Conference Committee on
4 SB 139 be adopted.

5 And the roll being called:

6 Yeas 61, Nays 8, Excused 1, Absent 0

7 Yeas:

8 Abdallah; Blake; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
9 Elliott; Fargen; Feickert; Feinstein; Gibson; Gosch; Hansen (Jon); Hawley; Hickey; Hoffman;
10 Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek;
11 Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Novstrup
12 (David); Perry; Rozum; Schaefer; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow;
13 Tulson; Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink;
14 Wismer; Speaker Rausch

15 Nays:

16 Bolin; Greenfield; Haggar; Hubbel; Olson (Betty); Romkema; Russell; Steele

17 Excused:

18 Schrempp

19 So the motion having received an affirmative vote of a majority of the members-elect, the
20 Speaker declared the motion carried and the report was adopted.

21 Rep. Lust moved that the House do now recess until 2:00 p.m., which motion prevailed and
22 at 11:51 a.m., the House recessed.

23 RECESS

24 The House reconvened at 2:00 pm, the Speaker presiding.

25 Rep. Cronin moved that the House do now recess until 5:30 p.m., which motion prevailed
26 and at 2:04 p.m., the House recessed.

27 RECESS

28 The House reconvened at 5:30 p.m., Rep. Boomgarden presiding.

1 Rep. Lust moved that the House do now recess until 7:00 p.m., which motion prevailed and
2 at 5:41 p.m., the House recessed.

3 **RECESS**

4 The House reconvened at 7:00 p.m., the Speaker presiding.

5 There being no objection, the House reverted to Order of Business No. 4.

6 **COMMUNICATIONS AND PETITIONS**

7 March 2, 2012

8 Mr. Speaker and Members of the House of Representatives:

9 I have the honor to inform you that on March 2, 2012, I approved House Bills 1017, 1018, 1045,
10 1051, 1052, 1059, 1066, 1107, 1117, 1130, 1131, 1156, 1164, 1178, 1179, 1182, 1187, 1227,
11 1230, 1254, 1263, 1269, 1270, and 1273, and the same have been deposited in the office of the
12 Secretary of State.

13 Respectfully submitted,
14 Dennis Daugaard
15 Governor

16 **MESSAGES FROM THE SENATE**

17 MR. SPEAKER:

18 I have the honor to inform your honorable body that the Senate has adopted the report of
19 the Conference Committee on SB 139.

20 Also MR. SPEAKER:

21 I have the honor to inform your honorable body that the Senate has appointed Sens. Olson,
22 Brown, and Frerichs as a committee of three on the part of the Senate to meet with a like
23 committee on the part of the House to wait upon his Excellency, the Governor, to inform him
24 that the Legislature has completed its labors, is ready to adjourn sine die, and to ascertain if he
25 has any further communications to make to the Legislature.

1 Also MR. SPEAKER:

2 I have the honor to inform your honorable body that the Senate has appointed
3 Sens. Tieszen, Krebs, and Buhl as a committee of three on the part of the Senate to meet with
4 a like committee on the part of the House pertaining to fixing the time of adjournment sine die
5 for the Eighty-seventh Legislative Session.

6 Respectfully,
7 Fee Jacobsen, Secretary

8 **MOTIONS AND RESOLUTIONS**

9 Rep. Cronin moved that a committee of three on the part of the House be appointed to meet
10 with a like committee on the part of the Senate to wait upon his Excellency, the Governor, to
11 inform him that the Legislature has completed its labors and is ready to adjourn sine die and to
12 ascertain if he has any further communications to make to the Legislature.

13 Which motion prevailed and the Speaker appointed as such committee Reps. Rausch, Lust,
14 and Hunhoff.

15 Rep. Cronin moved that a committee of three on the part of the House be appointed to meet
16 with a like committee on the part of the Senate pertaining to fixing the time of adjournment sine
17 die for the Eighty-seventh Legislative Session.

18 Which motion prevailed and the Speaker appointed as such committee Reps. Rausch, Lust,
19 and Hunhoff.

20 Rep. Cronin moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on
21 Monday, March 19, the 33rd legislative day.

22 Which motion prevailed.

23 There being no objection, the House reverted to Order of Business No. 7.

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1 Yeas:

2 Abdallah; Bolin; Boomgarden; Brunner; Carson; Conzet; Cronin; Deelstra; Dennert; Dryden;
3 Gosch; Greenfield; Haggard; Hansen (Jon); Hickey; Hoffman; Hubbel; Hunt; Jensen; Kirkeby;
4 Kopp; Liss; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup (David); Olson (Betty);
5 Perry; Romkema; Rozum; Schaefer; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson;
6 Turbiville; Van Gerpen; Vanneman; Venner; Verchio; White; Wick; Willadsen; Wink; Speaker
7 Rausch

8 Nays:

9 Blake; Elliott; Fargen; Feickert; Feinstein; Gibson; Hawley; Hunhoff (Bernie); Jones; Killer;
10 Kirschman; Kloucek; Lucas; Nelson (Stace); Russell; Schrempp; Sigdestad; Wismer

11 Excused:

12 Iron Cloud III; Scott

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 **REPORTS OF STANDING COMMITTEES**

16 MR. SPEAKER:

17 The Committee on Legislative Procedure respectfully reports that HB 1137, 1228, and
18 1234 were delivered to his Excellency, the Governor, for his approval at 4:00 p.m., March 1,
19 2012.

20 Also MR. SPEAKER:

21 The Committee on Legislative Procedure respectfully reports that the House and Senate
22 have, pursuant to the Governor's veto of HB 1116, overridden that veto and delivered the same
23 to his Excellency, the Secretary of State, for filing at 9:35 a.m., March 2, 2012.

24 Respectfully submitted,
25 Val Rausch, Chair

26 **SIGNING OF BILLS**

27 The Speaker publicly read the title to

28 SB 25: FOR AN ACT ENTITLED, An Act to provide for the creation of a new state
29 accountability system for public elementary and secondary schools.

1 SB 91: FOR AN ACT ENTITLED, An Act to allow shareholders of corporations to
2 represent corporations in property tax appeals at the Office of Hearing Examiners.

3 SB 130: FOR AN ACT ENTITLED, An Act to require the school board of each school
4 district to adopt a policy prohibiting bullying.

5 SB 139: FOR AN ACT ENTITLED, An Act to establish the Teach for America grant
6 program within the Department of Education.

7 SB 183: FOR AN ACT ENTITLED, An Act to establish the elements of the offense of
8 juvenile sexting and to provide a penalty therefor.

9 SB 197: FOR AN ACT ENTITLED, An Act to appropriate money for the ordinary
10 expenses of the legislative, judicial, and executive departments of the state, the expenses of state
11 institutions, interest on the public debt, and for common schools.

12 And signed the same in the presence of the House.

13 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at
14 8:28 p.m. the House adjourned.

15 Karen Gerdes, Chief Clerk